

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

ALDERMANIC REFERRAL OF FILE NO. OR-2012-0015 (AMENDED PETITION FOR ZONING ORDINANCE TEXT AND ZONING ORDINANCE MAP AMENDMENT SUBMITTED BY THE ECONOMIC DEVELOPMENT ADMINISTRATOR ON MARCH 19, 2012)

ZONING ORDINANCE MAP AMENDMENT, Amend Zoning Map (Grids 11 and 12) to change the designation of approximately 15.8 acres of land from Central Business District (BD District) to new Central Business/Mixed Use District (BD-3 District) bounded by the Air Rights Garage, a portion of Martin Luther King Blvd (formerly known as North Frontage Rd), a portion of College St, a portion of George St, a portion of Temple St, a portion of the State Route 34 Corridor, and a portion of South Frontage Rd, including (i) portions of the Route 34 Corridor and (ii) the block bounded by Temple, George and College Sts and Martin Luther King Blvd (block containing properties known as 123 College St (M/B/P 241/0204/00100), 230 George St(M/B/P 241/0204/00200), 230 George St (M/B/P 241/0204/00201), 218 George St (M/B/P 241/0204/00300), 200 George St (M/B/P 241/0204/00400), and 40 Temple St (M/B/P 241/0204/00500)).

ZONING ORDINANCE TEXT AMENDMENTS, Amend Zoning Ordinance to adopt a new Central Business/Mixed Use (BD-3) District and describe the uses, bulk, yard, setback, dimensional, open space, common space, parking, loading, signage, principal entrances, transparent and active uses, and other requirements for the District. Also amend Zoning Ordinance as follows:

- To provide new and revised definitions for all zoning districts for which such definitions apply for Assisted Living Facilities; Building, Nonresidential; Carsharing Parking Space; Compact Parking Space; Conference Center; Convention Center; Entrance, Principal; Health Care Clinic; Health Practitioner's Office; High Technology Equipment Design and Fabrication; High Technology Uses; High Technology Services; Live-Work Conversion and Live-Work Unit; Open Space; Parking Shared; Sign, Projecting or Blade; Street; Floor Area Ratio; certain medical use terms; and other definitions and to make changes to reflect new medical use definitions in Art III, Sec 12(b)(1)h and Art V, Sec 45.
- To permit Live-Work Conversions by special permit in all districts.
- To amend parking requirements for all districts.
- To state the manner in which uses not specifically referred to in the Use Table (Sec. 42, Table 3) will be treated and to amend Table 3, including the Key and Secs A-E, I, K-L, O, Q, S, and new U to specify changes in uses and parking and loading requirements for business and industrial zoning districts in addition to the new BD-3 District.

REPORT: 1466-01

ADVICE: Approval as Amended

PREVIOUS CPC ACTIONS:

The City Plan Commission heard the original Petition of the Economic Development Administrator at a public hearing on December 21, 2011. The Commission rendered its favorable advice (with amendments) to the Board of Aldermen via CPC Reports:

REPORT 1459- 11:ZONING ORDINANCE TEXT AMENDMENT, Amend Article I, Section 1 (Definitions); Article II Section 2a and Article V (to create a new Central Business/Mixed Use District - BD-3), Article III, Section 12 (to reflect changes in the definitions of certain medical uses), Article III, Section 18 (to add new live-work lofts), Article III, Section 19 (to prohibit custodial care facilities in the BD-3 District), Article III, Section 29 and Article V, Section 45 (to state the parking/loading requirements for uses in the BD-3 District, to reduce the required parking for health care clinics where there is an overall parking plan and to reduce the number of required parking spaces when there is shared parking in the BD-3 District, and in all districts, to provide for the reduction of the size of parking spaces and the reduction of required parking where carsharing parking spaces are provided), Article V, Section 42 (to add and eliminate certain uses and to provide parking requirements for certain uses), Article V, Section 43 (to provide bulk, yard, setback, open space, common space, and transparent and active use requirements in the BD-3 District), Article V, Section 44 and 44.3 (signage for the BD-3 District)(Economic Development Administrator).

ADVICE: *Approval of Revised Schedule D (attached to that report);*

REPORT 1459-12 ZONING MAP AMENDMENT, Amend Title VI, Volume III of the Code of Ordinances to Change the Zoning Designation of 11.4 acres of property located in the State Route 34 Connector from Business D-Central Business District (BD) to new Central Business/Mixed Use District (BD-3) (Economic Development Administrator).

ADVICE: *Approval*

On April 18, 2012 the Commission held a public hearing on a proposed Amendment to the original Petition, again rendering its favorable advice of the Petition as amended:

REPORT 1464-03: ZONING ORDINANCE AMENDMENT AND ZONING ORDINANCE MAP AMENDMENT, AMENDMENT TO PETITION OF ECONOMIC DEVELOPMENT ADMINISTRATOR (File # OR-2011-0023), Amend Zoning Ordinance Amendment to create New Business D-3 Mixed Use Central Business District ("BD-3 District") and Zoning Ordinance Map Amendment (11.4 acres in the Route 34 Corridor) to include an Additional 4.4 Acres known as Block bounded by Temple, George, College Streets & Martin Luther King Boulevard including Parcels 241-0204-00100, 241-0204-00200, 241-0204-00201, 241-0204-00300, 241-0204-00400, & 241-0204-00500 (Economic Development Administrator).

ADVICE: *Approval as Amended*

CURRENT REQUESTED ACTION

As noted above, at a public hearing held on April 18, 2012 the New Haven City Plan Commission voted to report favorably on Zoning Regulation and Zoning Map amendments identical to the current proposal. On May 10, 2012 the Aldermanic Committee on Legislation heard testimony on these Zoning Ordinance and Map Amendments. Based on concerns raised at that time regarding sufficiency of notice, the Committee referred the Amendments back to the City Plan Department which scheduled a Commission special meeting and public hearing for June 6, 2012. Public notice for this meeting (see page 1 of this report) features expanded language concerning the impact of the current proposals upon portions of New Haven not specifically part of the proposed BD-3 District. As this rehearing is necessitated entirely by the notice issue and there are no

proposed changes to either Zoning Regulations or Map, the following report is essentially the same as the Report 1464-03 issued on April 18, 2012.

BACKGROUND

The Economic Development Administrator proposes to amend the City of New Haven Zoning Ordinance and Zoning Map in order to change the zoning designation of approximately 15.8 acres of land (of which approximately 11.4 acres are currently vacant) (see attached Schedule A) located in and adjacent to the Route 34 corridor from Business D-Central Business (BD) to a new zoning district to be known as the Central Business/Mixed Use District (BD-3). This current proposal not only incorporates amendments which previously received favorable recommendations by the City Plan Commission for both the New Haven Zoning Ordinance (CPC #1459-11) and Zoning Map (CPC #1459-12) which allow for the creation of a Mixed Use Central Business District consisting of 11.4 acres along the Rte 34 Corridor but which will now also append an additional 4.4 acres of property to the proposed district (see attached Schedule C). Text amendments submitted as part of this current proposal are identical to those reviewed by the City Plan Commission as part of CPC #1459-11 (see attached Schedule D).

The goal of this proposal, as in its previous iteration, is the reconnection of the Medical District and the Hill neighborhoods with the Downtown Business District, Union Station and the State Street Railroad Station. It envisions creating a mixed use neighborhood in the vicinity of the former Route 34 Corridor which is transit oriented, pedestrian and bicycle friendly and which takes advantage of the neighborhood's proximity to the Medical District (Yale School of Medicine, Yale-New Haven Hospital, and Pfizer). It is anticipated that medical services, life sciences, biotechnology and research and development laboratories will locate in the Project area. In connection with these goals, the Economic Development Administrator has proposed a new mixed use zoning district for this area. This new BD-3 (Central Business/ Mixed Use) District will allow for a wide variety of uses , including newly defined high technology and medical uses, require first floor active uses and primary entrances to face certain streets in the district in order to make the area livable and walkable, mandate open space and common space areas, require setbacks for tall buildings, and create incentives for reducing single vehicle occupancy use by providing reduced parking requirements for certain uses and when carsharing facilities and shared parking are provided.

MODIFICATION OF THE PETITION OF THE ECONOMIC DEVELOPMENT ADMINISTRATOR:

The parcels (totaling 4.4 acres) added to the original map amendment are as follows:

Address	MBP	Owner
40 Temple Street	241-0204-00500	Temple St Associates II
200 George Street	241-0204-00400	Temple St Associates II
230 George Street	241-0204-00200	Temple St Associates II
230 George Street	241-0204-00201	City of New Haven
123 College Street	241-0204-00100	WE 135 College LLC
218 George Street	241-0204-00300	United Illuminating Co

The decision of the Economic Development Administrator to extend the physical boundaries of the proposed BD-3 District subsequent to the City Plan Commission's December Public Hearing was based on a series of events set in motion by the request of an owner of properties which

abuted the originally proposed BD-3 District to include these properties in the new district. These properties are currently used for medically related offices and accessory uses, as well as retail. Later, a second property owner on the same block, with medical and educational tenants, agreed to have their properties included so that the block (including City owned property) bounded by College, George, Temple Streets and Martin Luther King Boulevard would be included in the new district in its entirety. The revised map amendment is shown as Schedule C of this revised petition.

EXISTING ZONING (BD) CONSIDERATIONS

The subject properties are located at the eastern end and north of what is known as the Route 34 Corridor. The Route 34 corridor is an existing State highway. All the subject properties are currently zoned BD (Central Business District) (see attached Schedule B). The zoning districts proximate to the proposed BD-3 District are BD districts, PDD#28, PDD #15, BA, and RO districts. In the BD District both range and density of use are relatively restrictive and existing regulation, designed primarily for a Central Business District, lacks the flexibility required for the connective function which is intended as the defining feature of this new district. For example, permitted uses in BD Districts do not adequately reflect the current settings in which medical services are being provided in the City and do not include a number of current technological and research uses which the City hopes to attract to the Route 34 corridor and elsewhere in the City. In the BD district laboratory use is limited to 2,000 square feet. Also, in the BD district, rear yards are required and side yards may be required for commercial buildings. For residential buildings located in the BD zone, the dimensional (bulk and yard) and open space requirements for residential zoning districts apply. All of these restrictions are either modified or eliminated in the BD-3 District.

PLANNING CONSIDERATIONS

Uses – Section 42 Use Table

Non-Residential

In order to create a mixed use neighborhood, the proposed BD-3 District will include many of the uses permitted in the BD District. It does exclude, however, a number of uses permitted in the BD District, such as inpatient hospitals, which are more appropriately located in other districts specifically designed for these uses, as well as other uses permitted in the BD zone which are not compatible with a pedestrian based mixed use urban neighborhood such as motels, funeral homes, drive in food establishments, automotive parts stores, pawn shops, check cashing establishments, automotive repair shops, custodial care facilities, used car sales, and similar uses.

In order to take advantage of the proximity of the new BD-3 District to the nearby medical district and attract outpatient medical uses and research laboratories to the district, the proposed text amendments will allow research and testing laboratories with no floor area limit, in contrast to BD Districts which limit the size of such facilities to 2,000 square feet. Additionally, under the proposed text amendments, new high technology uses have been added to the Use Table. These new uses, which are defined in Article 1, Section 1, include high technology uses, such as research and development laboratories associated with biological and biomedical services and other technologies, high technology equipment design and fabrication and high technology services as permitted under federal and state law. These new uses will generally be permitted by right not only in the proposed BD-3 District but in many other business and industrial districts as well.

Under the proposed text amendments, all medical related uses have been consolidated in the Use Table under a new medical use category (Category “U”). A number of medical services have

been added to the zoning ordinance to reflect the wide array of medical services offered in the City and to clarify where such uses are permitted. The prior undefined term “medical practitioner” in the use table has been replaced by the new term “health practitioner’s office” which includes the offices of a wide array of practitioners, including physicians, chiropractors, dentists, psychologists, social workers, etc. (See Article I, Section 1). These offices are permitted as of right in the new BD-3 district and in the business districts where medical practitioners’ offices are currently allowed.

The proposed text amendments also delete the current undefined terms “outpatient clinic”, “public health clinic”, “regional outpatient clinic” and “regional public health clinic” in the Use Table (Section 42). A new term “health care clinic”, which is defined (See Article I, Section 1), includes a wide array of health clinics, such as outpatient hospital clinic, dialysis centers, physical therapy offices, walk-in clinics, family planning clinics, etc. Health Care Clinics are permitted as of right in the BA, BD, BD-2 and BD-3 districts and by special exception in the BA-1 and BD-1 districts. Additional new medical uses also include home health care agencies, outpatient surgical facilities, ambulatory surgical centers, and recovery care centers. Nursing homes, rest homes and residential care homes, which are currently referenced in the residential district regulations, have been added to the Use Table and are permitted as of right in the BA, BD-2 and BD-3 districts, by special permit in the BA-1 district and by special exception in the BD-1 District. Currently, convalescent homes, rest homes and nursing homes are permitted by special permit in the BC district and as of right in the BA, BA-1, BB, BD, BD-1 and the BD-2 districts, because they are uses that are allowed in certain residential districts.

The final category of new non-residential use included in the proposed district (as well as in some other similar districts) is one that permits both conference centers and convention centers. Based upon the potentially significant impact of these uses upon surrounding areas in terms of traffic, noise, etc. it is the recommendation of the Commission that unlike most other uses proposed for the BD-3 District, a Special Permit from the City Plan Commission be required for both in BD, BD-2 and BD-3 Districts and for Conference Centers only in Marine Commercial (BC) Districts. This recommendation is reflected in the amended Schedule D submitted to the Board along with this report.

Residential

Residential uses in the district are subject to new regulatory language that will facilitate the creation of a truly mixed-use environment within the district. Of the most significance is the removal of the existing requirement that in all nonresidential districts any new residential construction must comply with residential bulk and area standards. It is now subject to the much less onerous standards of nonresidential development in the district. Also, as noted below, parking requirements in this district have been reduced by half as compared to anywhere else in the City where multifamily residential development is permitted. Finally, live work units (currently permitted only in pre-1963 industrial and commercial space) will now be permitted in new structures and in buildings built after 1963 in the new BD-3 District by special permit so as to provide yet another form of mixed use development.

Bulk, Yard, Open Space, Primary Entrance, and Signage Requirements for the BD-3 District

In order to create a densely developed neighborhood in the BD-3 District, the floor area ratio is proposed to be 6.0 (as in all other BD Districts) and there will be no maximum sizes of courts for nonresidential buildings (residential and mixed use buildings must have a minimum court size of 20’ for buildings not exceeding 30’ tall and one foot for each four feet in height for taller buildings). There are no yard requirements in the BD-3 District, but 15’ of land must be provided

between a building and the curb of a street for sidewalks, street lights, etc., and where a residential or mixed use building has windows facing a nonresidential building, 10' of land must separate the buildings.

In order to make the streets in the new BD-3 district pedestrian friendly, a 15' setback is required if a building exceeds 100 feet in height and has frontage on College, Temple, Church, or Orange Streets. Additionally, buildings facing these streets must have their principal entrances (as defined in Article 1, Section 1) facing such streets. Transparent and active uses, such as retail stores and restaurants, are required on the ground floors of mixed use and nonresidential buildings fronting these streets or Martin Luther King Boulevard or Legion Avenue/South Frontage Road.

In the BD-3 District, open space, which will now be defined under the text amendment to include a wide variety of spaces devoted to recreation (Article 1, Section 1), must be provided for both nonresidential buildings in excess of 10,000 square feet and residential and mixed use buildings. Nonresidential buildings must provide 25 square feet of open space per 1,000 square feet and residential/ mixed use buildings must provide 50 square feet of open space per dwelling unit. If a building is located proximate to a public space, such as a public park, these requirements are reduced. Also, in the BD-3 District, mixed use buildings and residential buildings must provide 50' square feet of common space per dwelling unit which can include additional open space, common rooms, such as bicycle rooms, gyms, etc. or individual storage space.

The total area of signs in the BD-3 District for a building may not exceed four square feet for each foot of length of the front building wall, and there may be no flashing signs.

Parking and Loading

The proposed text amendments provide incentives to encourage transportation systems other than owner occupied vehicles and to discourage underutilization of required parking facilities. In all zoning districts, where carsharing spaces are provided (e.g. zip cars), 50% of such spaces may be compact spaces as defined in text amendments, and in a 50 car or smaller lot/garage, for each carsharing space provided, two spaces may be subtracted from the number of required spaces up to a five percent reduction in the number of required spaces. In a larger lot, for each carsharing space provided, five spaces may be subtracted from the number of required spaces up to 10% of the required spaces.

In the BD-3 District, the parking requirements for residential use have been reduced to one-half space/dwelling unit. Additionally, live-work units and assisted living facilities will require one-half space/unit. The only commercial uses that require parking in this district are health care clinics, which will require three spaces for each 1,000 gross square feet, and nursing homes and recovery care centers, each of which will require one space/bed. Moreover, in the proposed BD-3 district, the walking distance between a required parking space and a use has been increased to 1000'. Additionally, in the BD-3 District, one-half of the parking requirements for the residential portion of a mixed used building can be used to satisfy the nonresidential parking requirements of the building, if approved by the Department of Transportation, Traffic and Parking. If a nonresidential building makes its parking available to the public, then its parking requirements may be reduced by 15%. Additionally, in this new district, two or more uses or structures which use a parking facility at alternate times can each reduce their parking requirements by 25%, if they enter into an agreement that is approved by the Department of Transportation, Traffic and Parking. Also, in the BD-3 district, 30% of required spaces may be compact car spaces (7.5' x 15').

Finally, the text amendments propose to create a uniform size for all non compact parking spaces of 9' x 18'.

Map

As described, there have been two major phases involved in the process of determining the proposed boundary of the BD-3 District. Initially consideration for inclusion into a new district was limited to a very specific portion of the existing Rte. 34 Corridor. There were at least three planning related reasons for this. First of all its location at the southeastern end of the corridor indicated obvious potential as the initial phase of a unique transit - oriented development that could extend all the way west to Grasso Boulevard. Also, its location between Downtown, the Medical District, Yale University and Union Station strongly suggested the need for an emphasis on developmental connectivity over and above that attainable in any existing zoning district. Finally, the fact that the subject property was vacant and consequently lacking any on-site form or use based context appeared to represent an opportunity to create context, strongly implying the need for a new district.

The subsequent inclusion of the properties that necessitate this amended petition, while originating from a property owner, is also based upon two of the land use planning ideas mentioned in the previous paragraph. It is close enough to the Rte. 34 Corridor to be successfully incorporated into a successful transit oriented development corridor. Of at least equal consideration is the idea that adding this block to the original proposal provides some physical depth to the proposed district (north to south) that will allow for a more gradual and subtle connection between the different areas of the City mentioned in the previous paragraph.

Public Hearing: At the June 6, 2012 public hearing, Kelly Murphy, Economic Development Administrator, introduced her petition noting the re-hearing had been called in an abundance of caution due to a representation at the May 10 aldermanic hearing that there had been improper legal notice. Karyn Gilvarg, City Plan Director, noted as there was little developable land within the City's 18 square miles, the Route 34 corridor which was 100% in transportation use had been identified as an opportunity for potential development, close to the downtown and the medical area where there was the largest current potential for job growth in the City. The BD-3 zoning map amendment included the transportation corridor of Route 34 plus a developed block to its north.

Thomas Talbot, Deputy Director, Zoning, said the set of map and text amendments before the Commission were identical to the set adopted by the Commission on April 18. Mr. Talbot spoke from a PowerPoint presented at a May 2 Board of Aldermen workshop, noting the connective nature of the map amendment. The text amendments permitted a broad range of newly defined and expanded medical support uses, high technology service and manufacturing uses, mixed use development and retention of most commercial uses permitted in BD Districts. Residential development would not be subject to residential bulk and area standards, allowing flexibility in both density and form. Live-work loft space in new buildings was permitted, and residential parking requirements were lowered. BD-3 had the same FAR as other BD areas (6.0), setbacks determined in relation to sidewalk and street width, required stepback of 100' in height, and proportional to street width. There were supplemental standards for shared parking, compact car spaces and reduced parking space requirements, required building stepbacks, curb line setbacks and setbacks between buildings, building façade requirements with active uses or certain street frontages, and open space standards.

In response to a question from Adam Marchand regarding open space, Mr. Talbot noted the new definition of open space and how it applied in residential and commercial districts.

In response to questions from Paulette Cohen, 189 Everit Street, concerning reduction of parking requirements as related to car sharing, Mr. Talbot explained that the minimum standards in

Sections 29 and 45 could be appealed by special exception to have even less required parking if documentation could be provided. Ms. Gilvarg noted the text changes to Sections 29 and 45 would apply throughout the City.

Matt Ranelli, representing Fusco Corporation, accompanied by Lynn Fusco, a property owner within the proposed BD-3 Zone, supported the proposal and thanked the City for development of a zone which accommodated and permitted expansion of the life sciences, technology and research uses already within the Temple Medical Center.

Lynn Smith, 84 Front Street, senior Vice President, at Start Community Bank, supported the change noting the new zoning would be an appropriate buffer and bridge between the downtown and the medical area. The 100 College Street project would provide career opportunities and was a catalyst to make the City a world class center for the life science industry. (letter submitted)

Anstress Farwell, 129 Church Street, representing the Urban Design League presented a letter she had submitted on May 10 to the aldermanic committee on legislation, noting that while the UDL applauded the elimination of the highway in the transportation corridor, they had concerns about the text amendments regarding parking requirements, active uses, buffer zones and open space. She spoke further about the need for active uses on arterials as well as cross streets and responded to a question about what she meant by needing a "regulating plan". Ms. Gilvarg defined a regulating plan as a tool used in smart codes which addressed physical form and not uses.

Chris Schweitzer, 50 Nash Street, representing the Environmental Justice Network, faulted the Downtown Crossing Project in that it would increase environmental pollution and impair the health of New Haven citizens, and questioned how the Commission could make findings in accord with Charter Sections 181 and 182. Modifications could be made to the text language to require sidewalks, a parking cap, encouraging pedestrians and discourage single occupancy vehicles, limiting pollution and addressing climate change. Ms. Gilvarg replied the amendments were driven by smart growth principles, promoting dense growth, reducing parking requirements, better pedestrian access, a greatly reduced transportation footprint, and allowing uses close to thousands of jobs in the downtown and medical district. In a future development project, which was not before the Commission this evening, there were sidewalks around all sides of proposed buildings.

Ms. Ford submitted for the record letters in support of the Map and Text Amendments from Town Green Special Services District, Superintendent of Schools, United Illuminating Company, Market New Haven,, Workforce Alliance, REX Development, Whalley Avenue Special Services District, and Gateway Community College.

FINDINGS

Section 64(d)(2) of the New Haven Zoning Ordinance requires that the City Plan Commission take into consideration in evaluating any amendment to the Zoning Map and /or Text:

a. Errors in the existing ordinance, changes that have taken place in the city and in patterns of construction and land use, the supply of land and its peculiar suitability for various purposes, the effect of a map change on the surrounding area, the purposes of zoning and the comprehensive plan of the City of New Haven;

The applicant has demonstrated to the Commission that the properties at issue, due primarily to their location, have the potential to play a very unique functional role in the City's overall plan of development, one that recommends itself to the creation of a new zoning district. Located in close proximity to areas of relatively high density of commercial, residential, medical, institutional and transportation related uses, the creation of the BD-3 District serves as both a buffer between many of those uses in existing surrounding areas while at the same time creating a district where they can exist together in a fully integrative manner. Furthermore this proposal, with its introduction of contemporary use categories and more sustainable approaches to issues

such as parking, mixed uses and overall density, represents an appropriate response to “changes that have taken place in the City”.

b. Whether some other method or procedure under the zoning ordinance is more appropriate;
The scope of both the physical area and degree of regulatory change required clearly indicate the appropriateness of an application to the Board of Aldermen for a Zoning Map Amendment.

c. In the case of a map change, the size of the area involved. As a general policy, the City Plan Commission shall not consider favorably any petition which would result in a total contiguous area (separated only by streets, and excluding the area of streets) of less than two acres in the case of a residence district, less than one acre in the case of a Business District, or less than four acres in the case of an Industrial District.

The area of the current proposal is over 15 acres and is clearly large enough for the successful implementation of any or all types of development permitted in the district. In addition it should be noted that by virtue of its inclusive and highly flexible character it could easily be expanded in the future.

In addition to the above required findings the Commission recognizes that the proposed map and text changes create the proper regulatory framework necessary for:

1. The development of the subject properties as a transit-oriented district designed to maximize access to and use of public transportation resources, both rail and bus, not only along the corridor but also in connection to similar resources throughout much of the rest of the City, and;
2. Enhancement of the connective relationship between the medical district, downtown and Yale University through the reconnection of streets across the corridor and the requirement that an active, visible first floor commercial presence be established and maintained on those streets, and;
3. The creation of an essentially new mixed-use urban neighborhood providing for a broad range of uses, both nonresidential and residential, in a physical manner intended to maximize the complementary potential of a mixed use environment while at the same time minimizing conflict between disparate uses.

The Commission also recognizes the validity of process that has resulted in the current proposal. Originating with the elimination of uses currently permitted in BD Districts which are not conducive to the creation of a fully realized mixed-use environment, it then moved to a carefully considered process of including new uses (including uses and definitions of use entirely new to the City) selected to best achieve a genuinely functional mixed-use environment and best retain its connective relationship with surrounding areas. Finally, it involved the development of bulk and area requirements (including parking), form based standards that provide a structural means by which to maximize the benefits of a mixed use neighborhood and to, again, reflect its connective character. It is the view of the Commission that the result of this process is a map and set of regulations that will result not only in the creation of a fully functional mixed use district area but which will have measureable positive impact upon surrounding districts.

In consequence of the above, the following finding is made in accordance with Section(s) 181 and 182 of the Charter of the City of New Haven:

The City Plan Commission finds that the proposed map and text amendments comply with Sections 181 and 182 of the Charter of the City of New Haven in that they are (i) uniform for each class of buildings or structures, (ii) made in accordance with the comprehensive plan, (iii) designed to lessen congestion in the streets, secure safety from fire, panic and other dangers,

promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate the adequate provisions for transportation, water, sewerage, parks and other public requirements, and (iv) made with reasonable consideration as to the character of the proposed BD-3 District and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

RECOMMENDATIONS

Based on all of the above it is the recommendation of the Commission that the proposed map (Schedule C attached) and text amendments (revised Schedule D attached including correction of three typographical errors in Table 3 Use Table) are in full compliance with the standards and requirements of Section(s) 181 and 182 of the Charter of the City of New Haven and Section 62(d)(2) of the New Haven Zoning Ordinance and should be approved.

ADOPTED: June 6, 2012
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director

..title
**ZONING ORDINANCE AMENDMENT AND ZONING ORDINANCE MAP AMENDMENT
APPROVING ADOPTION OF A NEW BUSINESS D-3 MIXED USE CENTRAL BUSINESS
DISTRICT ("BD-3 DISTRICT") AND OTHER AMENDMENTS AND AMENDING THE ZONING
MAP (GRID NUMBERS 11 AND 12) TO CHANGE THE DESIGNATION OF 15.8 ACRES OF
LAND (PARCELS #241-0204-00100, #241-0204-00200, #241-0204-00201, #241-0204-
00300, #241-0204-00400 AND #241-0204-00500) LOCATED IN THE STATE ROUTE 34
CORRIDOR AND ADJACENT PROPERTIES FROM BUSINESS D-CENTRAL BUSINESS
DISTRICT TO BD-3 DISTRICT**

..body

WHEREAS, on October 3, 2011, pursuant to 1925 Special Act No. 490, § 5, the Charter of the City of New Haven, § 184 and Section 64(d)(1) of the Zoning Ordinance, City of New Haven (the "Zoning Ordinance"), the Economic Development Administrator of the City of New Haven filed with the New Haven City Clerk for transmission to the Board of Aldermen a petition requesting that the Board of Aldermen create a new zoning district to be known as Business D-3 – Mixed Use/Central Business ("BD-3 District") and to amend the New Haven Zoning Ordinance Map ("Grid Sections 11 and 12), to indicate that 11.40 acres of property located in the State Route 34 Connector, which property is currently located in the Business D-Central Business District (the "BD District"), be designated on such maps as being located in the new BD-3 District (the "Original Petition"); and

WHEREAS, on October 24, 2011, the City of New Haven Charter, pursuant to Section 184 of the Board of Aldermen referred the Original Petition to the New Haven City Plan Commission for a public hearing;

WHEREAS, on December 21, 2011, the City Plan Commission rendered an advisory report to the Board of Aldermen after considering the factors set forth in Section 64(d)(2) of the Zoning Ordinance recommending approval of the Original Petition, CPC Report Nos. 1459-11 and 1459-12;

WHEREAS, on March 19, 2012, pursuant to the aforementioned Special Act & Charter of the City of New Haven the Economic Development Administrator submitted an amendment to the aforementioned Original Petition adding several adjacent properties at Temple and George Streets to the BD-3 Map Amendment (the "Amended Petition"); and

WHEREAS, on _____, pursuant to Section 184 of the City of New Haven Charter, the Board of Aldermen referred the Amended Petition to the New Haven City Plan Commission for a public hearing; and

WHEREAS, on _____, the City Plan Commission held a public hearing on the Amended Petition after providing due notice of such hearing in accordance with the provisions of law; and

WHEREAS, on _____, the City Plan Commission rendered an advisory report to the Board of Aldermen after considering the factors set forth in Section 64(d)(2) of the Zoning Ordinance recommending _____ of the Amended Petition, City Plan Commission Report No. _____ and City Plan Commission Report No. _____; and

WHEREAS, on _____, the Legislation Committee of the Board of Aldermen after due notice held a public hearing on the Amended Petition; and

WHEREAS, the Board of Aldermen finds that the map and text amendments to the Zoning Ordinance requested in the Amended Petition are in accordance with the comprehensive plan of development for the City of New Haven as such amendments will encourage intensive mixed use development as in other existing BD Zoning Districts and will connect the City's business districts with each other; and

WHEREAS, the Board of Aldermen further finds that the map and text amendments to the Zoning Ordinance requested in the Amended Petition are designed to lessen congestion in the streets, secure safety, promote health and the general welfare, provide adequate light and

air, prevent the overcrowding of land, avoid undue concentrations of population, provide adequate provisions for all forms of transportation and other public requirements, reflect the character of the applicable zoning districts and their peculiar suitability for the uses to be allowed in such districts, conserve the value of existing buildings, and encourage the most appropriate use of land in the City; and

WHEREAS, the Board of Aldermen further finds that the map and text amendments to the Zoning Ordinance requested in the Amended Petition are uniform for each class of buildings or structures throughout the BD-3 district and any zoning district to which such amendments will apply.

NOW THEREFORE BE IT ORDAINED by the Board of Aldermen of the City of New Haven that the text amendments to the Zoning Ordinance set forth in the Amended Petition of the Economic Development Administrator are hereby granted and that the Zoning Ordinance shall be amended in the manner set forth in Schedule D attached hereto which schedule is incorporated by reference;

BE IT FURTHER ORDAINED that the Amended Petition of the Economic Development Administrator for amendments to the Zoning Map (Grid Sections 11 and 12) is granted and the Zoning Map (Grid Sections 11 and 12) shall be amended to designate the property described in Schedule A attached hereto as being located in the BD-3 District.

SCHEDULE A

A CERTAIN PARCEL OF LAND CONSISTING OF APPROXIMATELY 15.81 ACRES LOCATED IN THE CITY OF NEW HAVEN, STATE OF CONNECTICUT AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE PDD 28 ZONE AND THE CENTER OF MARTIN LUTHER KING BOULEVARD RUNNING EAST TO THE INTERSECTION OF COLLEGE STREET AND MARTIN LUTHER KING BOULEVARD. THENCE RUNNING NORTH TO THE CENTER OF THE INTERSECTION OF COLLEGE STREET AND GEORGE STREET, THENCE RUNNING EAST ALONG THE CENTER OF GEORGE STREET TO THE CENTER OF THE INTERSECTION OF TEMPLE STREET AND GEORGE STREET, THENCE RUNNING SOUTH WEST ALONG THE CENTER OF TEMPLE STREET TO THE INTERSECTION WITH MARTIN LUTHER KING BOULEVARD, THENCE EAST TO THE CENTER OF THE INTERSECTION WITH SOUTH ORANGE STREET TO A POINT IN THE CENTER OF THE INTERSECTION WITH SOUTH FRONTAGE ROAD. ZONE THEN TURNS TO THE NORTHWEST IN THE CENTER OF SOUTH FRONTAGE ROAD TO THE EASTERLY PROPERTY LINE OF PDD 28 AND CONTINUES NORTH ALONG TO EASTERLY PROPERTY LINE OF PDD 28.

SCHEDULE B

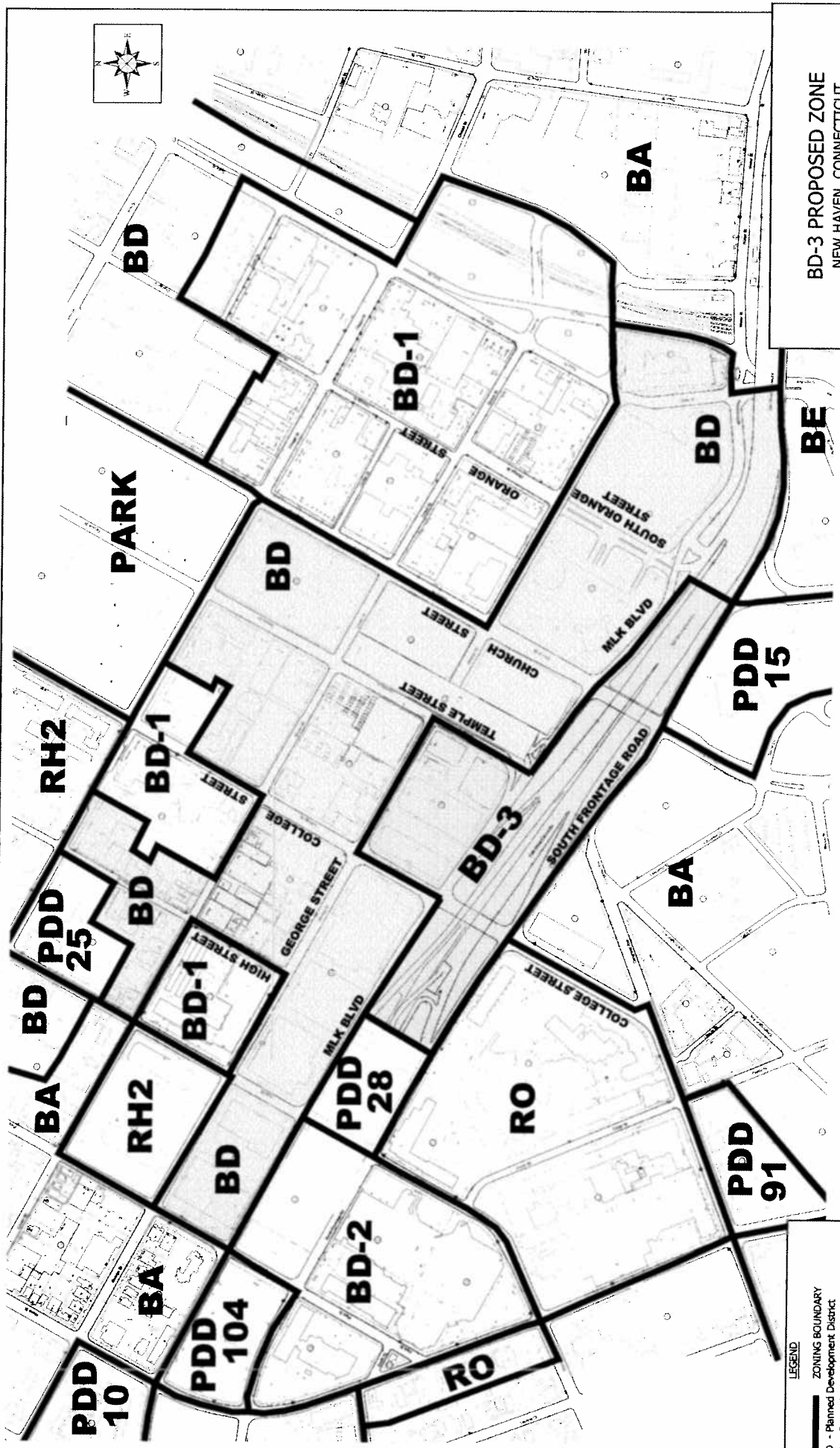
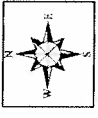
[MAP OF EXISTING ZONE BOUNDARY]

AVAILABLE PDF

SCHEDULE C

[MAP OF BD-3 PROPOSED ZONE]

AVAILABLE PDF



BD-3 PROPOSED ZONE
 NEW HAVEN, CONNECTICUT



LEGEND

	ZONING BOUNDARY
	PDD - Planned Development District
	RH2 - General High Density Residential District
	RO - Residence-Office
	BA - General Business
	BD - Central Business
	BD-1 - Central Business/Residential
	BD-2 - Central Business/Medical
	BE - Wholesale and Distribution